

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 29

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

1120S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to parents' exclusive right to control the upbringing of their children.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2024, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article I of the
7 Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended
2 by adding thereto one new section, to be known as section 36,
3 to read as follows:

Section 36. 1. That every parent has a fundamental
2 **right to exercise exclusive control over all aspects of**
3 **their minor children's lives without governmental**
4 **interference, including, but not limited to, decisions**
5 **regarding their minor children's custody, upbringing,**
6 **education, religious instruction, discipline, physical and**
7 **mental health care, and place of habitation; provided, this**
8 **fundamental right shall not extend to any decision or action**
9 **by a parent that threatens clear, immediate, and substantial**

10 physical injury to their minor child, nor shall it permit a
11 parent to compel a minor child to have an abortion.

12 2. That every parent also has the fundamental right to
13 require government entities to obtain the parent's explicit
14 permission before soliciting from a minor child information
15 or data about the child or the child's family members or
16 sharing such information or data solicited from a minor
17 child with anyone other than the child's parents for
18 purposes not directly related to a criminal investigation
19 or, if enrolled in a public school, the child's knowledge of
20 academic subjects; neither the parent nor child shall in any
21 way be punished or penalized if the parent refuses such
22 permission.

23 3. That every parent has the fundamental right to
24 decide what educational setting will best prepare their
25 children to meet the obligations of responsible adulthood,
26 and this right includes, but is not limited to, a parent's
27 choice to have their children educated in public, private,
28 parochial, or home schools or otherwise to provide for their
29 children's education in another setting; provided, nothing
30 in this section shall require or prohibit any state or local
31 government to fund or subsidize education in a nonpublic
32 school setting or, unless otherwise required by law, require
33 a public school to enroll or educate a child who does not
34 live in that public school's district.

35 4. That a government entity in this state shall only
36 be justified in interfering with the parental rights
37 acknowledged in this section if:

38 (1) The interference is temporary and limited to only
39 the degree and duration necessary to protect a child from a
40 clear, immediate, and substantial threat of physical injury;

41 (2) A court of law has first found by clear and
42 convincing evidence that a parent has knowingly exposed a
43 child to harm through physical neglect, abandonment,
44 reckless endangerment, or sexual or physical abuse, as each
45 of those terms may be defined by state statute;

46 (3) A court of law has first found by clear and
47 convincing evidence that a parent is incapacitated or
48 mentally incompetent, as those terms may be defined by state
49 statute;

50 (4) A court of law has first ruled that minor child is
51 emancipated in accordance with state statutes;

52 (5) A court of law has assumed jurisdiction over a
53 minor child charged with violating or found beyond a
54 reasonable doubt to have violated a criminal statute; or

55 (6) A court of law has assigned parental rights to one
56 parent or someone other than a biological parent as a result
57 of mental incompetence, adoption, or marital dissolution.

58 If, after considering evidence, a judge has first determined
59 that a government entity has probable cause to believe that
60 a parent has subjected their child to criminal, sexual, or
61 physical abuse, neglect, or endangerment, it shall not be
62 considered an interference with the parental rights
63 acknowledged in this section for the government entity to
64 question the parent or the child about the alleged crime, or
65 for police to obtain a warrant to search the parent's home
66 for evidence of the suspected crime.

67 5. That any parent whose rights under this section
68 have been adversely affected by any type of law, policy, or
69 other act of government authority shall be permitted to file
70 a lawsuit challenging the constitutionality of the law,
71 policy, or other act of government authority, and seek

72 damages against the government entity responsible for the
73 violation of the parent's rights. In considering such a
74 lawsuit, courts may not presume the constitutionality of the
75 law, policy, or other act of government authority being
76 challenged, may not defer to claims made by a government
77 entity that the law, policy, or other act of government
78 authority is justified unless the government entity supports
79 all such claims with competent evidence, and shall award
80 appropriate damages and reasonable attorney's fees for any
81 infringement of these constitutional rights that the
82 government has not justified in accordance with subsection 4
83 of this section.

84 6. For the purposes of this section, the term "parent"
85 includes a child's legal guardian and "minor child" means a
86 child under eighteen years of age.

Section B. Pursuant to chapter 116, RSMo, and other
2 applicable constitutional provisions and laws of this state
3 allowing the general assembly to adopt ballot language for
4 the submission of a joint resolution to the voters of this
5 state, the official ballot title of the amendment proposed
6 in section A shall be as follows:

7 "Shall the Missouri Constitution be amended to
8 guarantee parents' exclusive right to control
9 the upbringing of their children, including but
10 not limited to custody, education, religious
11 instruction, health care, and private
12 information, with certain exceptions including
13 those necessary to protect against a clear,
14 immediate, and substantial threat to the child?".

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